Remarks and Arguments

Applicant respectfully requests reconsideration of the present application.

Claims 1-36 have been examined. By this amendment, Applicant is amending claim 35 to correct a typographical error in the amendment to the claim submitted previously. Applicant respectfully submits that no new matter has been added by this amendment to claim 35.

Rejections Under 35 USC §112

Claims 1 - 36 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The Examiner maintains that there is lack of support for limitations in claims 1, 11 and 16. Applicant respectfully submits that the claims are in compliance with §112 and submits the following in response.

Preliminarily, Applicant notes that new limitations were not added into each claim that was amended by the previously-filed response. Some of the claims were amended to correct for antecedent basis, to correct awkward claim language or to clarify the claim.

The Examiner maintains that there is lack of support in the specification, specifically "the first and third encryption and decryption keys are associated with the first node" as recited in claim 1, "the fourth encryption and decryption keys are generated by the first node" in claim 11 and "wherein the fourth encryption and decryption keys are generated by the first node" in claim 16.

Applicant wishes to point out to the Examiner that claim 16 does not include a reference to the fourth encryption and decryption keys. Applicant believes, however, that the Examiner intended to include claims 27 and 32 as those claims were amended by the Applicant to have similar limitations as the ones identified in claim 1.

The present invention is directed to a system and method for providing secure or private communications through the use of ephemeral decryptability of documents, files, and/or messages. In this regard, ephemeral decryptability indicates that the ability to decrypt and encrypted message exists for a finite amount of time, after which the ability

to decrypt the encrypted material is lost. Advantageously, in one embodiment, the present invention provides for a receiving node to decrypt an ephemerally encrypted message, by interacting with an ephemerizer, in a manner in which an eavesdropper would be unable to intercept the decryption keys in an attempt to gain unauthorized access to an encrypted message.

As described in the specification beginning at page 11 with reference to Figs. 2 and 4a-4c, node A generates a first secret encryption key (SK1) that is then encrypted with the public key (B-public key) of node B. Node A then encrypts the encrypted secret key SK1 with ephemeral public key (EPH-public key) as illustrated in step 204. This encrypted information is then transmitted to node B.

Applicant respectfully submits that independent claim 1 is in compliance with 35 USC § 112, first paragraph as one of ordinary skill in the art will understand that the Applicant had possession of the claimed invention at the time the application was filed. Specifically, one of ordinary skill in the art will understand that independent claim 1 is directed to the method of performing secure ephemeral communication where the triply wrapped value is received at a first node that corresponds, in the description, to the receiving node B. Further, from the claim's language in conjunction with the specification, one of ordinary skill in the art will understand that the first and third encryption and decryption keys associated with the first node correspond to the public and private keys of node B. Accordingly, Applicant respectfully requests that the rejection of independent claim 1 under 35 USC § 112 be withdrawn.

Independent claim 27 is directed to a system for performing secure ephemeral communication comprising first, second and third communicably coupled nodes. Program code within the first node is provided for receiving a triply wrapped value, said value being encrypted with a first encryption key to form a singly wrapped value, said singly wrapped value being encrypted with a second encryption key to form a doubly wrapped value and said doubly wrapped value being encrypted with a third encryption key to form the triply wrapped value. Further, program code is provided within the first node for decrypting the triply wrapped value using a third decryption key associated with the third encryption key to obtain the doubly wrapped value. Finally, the first and third encryption keys are the same and the first and third decryption keys are the same

where the first and third encryption and decryption keys are associated with the first node.

Similar to the argument submitted above with regard to independent claim 1, Applicant respectfully submits that independent claim 27 is in compliance with § 112 as one of ordinary skill in the art will understand that the first node corresponds to the description of operation with respect to node B and that the first and third encryption and decryption keys are the public and private keys associated with node B.

Independent claim 32 is directed to a system for performing secure ephemeral communication written in means plus function format and corresponds to independent claim 27.

For at least the same reasons submitted above with respect to independent claim 27, Applicant respectfully submits that independent claim 32 is in compliance with § 112. Applicant respectfully requests that the rejection of this claim, and its dependent claims, be withdrawn.

Applicant believes that the claims are in allowable condition. A Notice of Allowance for this application is earnestly solicited. If the Examiner has any further questions regarding this amendment, the Examiner is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 C.F.R. §1.16 and 1.17 to Deposit Account No. 02-3038.

Respectfully submitted,

Paul D Sorkin Date: August 3, 2005

Paul D. Sorkin, Esq. Reg. No. 39,039
KUDIRKA & JOBSE, LLP
Customer Number 45774
Tel: (617) 367-4600 Fax: (617) 367-4656